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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,820

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Martin Schmidt

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

COKER, ROBERT A

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

06/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,820	Applicant(s) SCHMIDT ET AL.	
	Examiner ROBERT A. COKER	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/20/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in claim 2, lines 2-3, “belt retractor housing includes a rectangular cross section” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1 and 2 are objected to because of the following informalities: in claim, lines 11 and 13 “a the” should be changed to --the--, and in claim 2 line 2, “the a” should be changed to --the--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 4, “the safety belt” lacks antecedent basis.

Claim 1, line 19, “the plane” lacks antecedent basis.

Claim 3, lines 5-6, “the drivewheel arrangement' lacks antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3616

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al. (U. S. 5,881,962).

With respect to claim 1, Schmidt et al. disclose a seat belt retractor for a seat belt including a pretensioner, especially for use in motor vehicles, comprising: a belt retractor housing (Column 7, line 46-48), a belt spool (10) rotatable mounted to the housing and attached to the safety belt, the belt spool being configured to rotate in a retraction direction of the safety belt when a gas generator (Column. 7, line 67 and Column 8, lines 1-2) , coupled to the belt spool by a tube (16), is activated, wherein the belt spool is attached to a drivewheel (11, 12) with recesses (23) on the periphery thereof for accepting mass bodies configured as a drive means for pretensioning the safety belt, the mass bodies (18) being stored in a the tube and arranged to tangentially flow into the drivewheel, the mass bodies being accelerated in the tube by means of a the gas generator arranged at one end of the tube, and the tube includes at least one straight section extending in a parallel direction to the belt spool between opposing housing sides of the belt retractor housing, and further including an end section running in the plane of the drivewheel (Figs. 1-6).

With respect to claim 2, Schmidt et al. disclose a seat belt retractor, wherein the tube for the a belt retractor housing includes a rectangular cross section and is arranged in an outer corner of the belt retractor housing, the end section of the tube being attached by a bend to the straight section between the housing sides and guided to the drivewheel (Figs. 1-6).

With respect to claim 3, Schmidt et al. discloses a seat belt retractor, wherein the tube is configured in a U-shape comprising two straight sections located between the opposing housing sides of the belt retractor housing with one bent section running in the plane of the housing side opposite the drivewheel arrangement (Figs. 1-6).

With respect to claim 4, Schmidt disclose a seat belt retractor, wherein the two straight sections of the tube are arranged in two adjacent outer corner regions of the belt retractor housing.

With respect to claim 5, Schmidt et al. disclose a seat belt retractor, wherein a receptacle (13) for accepting the mass bodies passing through and exiting the drivewheel is arranged between the opposing straight sections of the tube.

With respect to claim 6, Schmidt et al. disclose a seat belt retractor, wherein a feeding element (15) (Column 8, lines 38-45) configured to feed the mass bodies into the recesses of the drivewheel through the end section of the tube is arranged on the open end of the end section in a tangential direction to the drivewheel.

With respect to claim 7, Schmidt et al. discloses a seat belt retractor, wherein the end section running in a tangential direction to the drivewheel includes a deformation (28) in a wall of the end section, the deformation being configured with a radius such that the mass bodies are driven through the end section and run across the wall of the end section via the deformation and are fed into the recesses of the drivewheel (Figs. 1-6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT A. COKER whose telephone number is (571)272-8514. The examiner can normally be reached on Monday thru Friday, 8.30 a.m.-5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert A Coker
Examiner
Art Unit 3616

/RAC/

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616